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THE GO-BETWEEN: JAN ELIASSON AND THE STYLES OF MEDIATION

By
Garret Brouwer *

War and conflict have existed as long as humanity. Sometimes these conflicts can be solved with words. Unfortunately, many others are solved with weapons. With the rise of modern technology in the 20th century, the world has become smaller than ever. Humans can instantaneously communicate with one another across the planet. Economies are increasingly dependent on international trade and cooperation. Nation states have vested political interests in their neighbors and trading partners. Interconnectivity has made it more important than ever for conflicts to be resolved as quickly and painlessly as possible. The less a conflict costs, both economically and socially, the better for everyone involved. One method to limit these costs is international mediation. International powers and organizations have increasingly been using mediation as a means to resolve a wide range of disputes.

One individual who has become synonymous with these efforts is Jan Eliasson. Mr. Eliasson has held several prestigious posts in his lifetime and has been involved with a number of high profile mediation efforts with various organizations. He has worked extensively with the United Nations as the Swedish ambassador.¹ While with the United Nations, he served as the under-Secretary-General of the United Nations Department of Humanitarian Affairs. Most recently, Mr. Eliasson served as the President of the UN General Assembly, Sweden's foreign minister and as a special envoy for the UN Secretary-General in Darfur.² In addition to his extensive experience with the UN, Mr. Eliasson has also worked with many regional organizations. In 1994 he helped the Organization for Security and Co-operation in Europe resolve various conflicts. Throughout the course of his

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¹ ISAK SVENSSON & PETER WALLENSTEEN, *THE GO-BETWEEN: JAN ELIASSON AND THE STYLES OF MEDIATION* 4 (United States Institute of Peace Press 2010).

² *Id.* at 6.

career, Mr. Eliasson has also been continuously involved with academia. Uppsala University Department of Peace and Conflict Research and the United States Institute of Peace have both benefitted from Mr. Eliasson's presence and contributions.³ *The Go-Between: Jan Eliasson and the Styles of Mediation* uses the work of Mr. Eliasson to explore the use of international mediation.

The authors of this book are also highly respected in the field of international mediation and conflict studies. Peter Wallensteen is a faculty member at Notre Dame's Kroc Institute for International Peace Studies. Mr. Wallensteen also teaches in the Department of Peace and Conflict Research at Uppsala University in Sweden.⁴ Isak Svensson directs research at Otago University's National Centre for Peace and Conflict Studies in New Zealand. Mr. Svensson also teaches at Uppsala University's Department of Peace and Conflict Research.⁵

I. PREFACE

This book begins with a few insightful words from the former UN Secretary-General, Kofi A. Annan. Mr. Annan notes that the number of conflicts resolved through mediation has increased dramatically in the latter half of the 20th century. He credits this trend to the recognition that nations of our world are dependent on one another.⁶ No longer can the world powers ignore Africa or Asia. When they do, those regions become terrorist training hubs. Outbreaks of deadly diseases in remote parts of the world can spread as quickly as a plane can fly. Economic downturns in a world power can negatively impact nations all over the globe.⁷ In order to ensure the security of our own countries, we must ensure

³ *Id.* at xii – xiii.

⁴ *Id.*

⁵ *Id.*

⁶ SVENSSON & WALLENSTEEN, *supra* note 1, at ix.

⁷ *Id.*

security in the countries around us as well. Mediation is just one way to establish security during or after a conflict.⁸

Despite the importance of mediation in conflict resolution, Mr. Annan is well aware that mediation is not always a satisfactory tool. There have been many instances in which mediation has failed to render any result, let alone a positive one. Even though mediation is not always effective, it is still an important tool. For that reason, he believes books on international mediation, such as this one, are important.⁹ Mediation helps parties understand one another. Mr. Annan also notes that successful mediations are largely about the right set of facts and not just the machinations of a talented mediator.¹⁰

II. INTRODUCTION

The introduction lays out an effective roadmap for the book. It explains the goals and methods the authors use. Svensson and Wallensteen focus on how mediators go about conducting their mediations. Style and process are important to the authors. In order to fully understand style and process, the authors believe it is important to use real life examples.¹¹ That is where Jan Eliasson comes in.

One of the main reasons for the book is the perceived disconnect between the practice and theory of mediation. Many practitioners are not familiar with the ongoing academic discourse. Similarly, many academics are not exposed, or ignore, the realities of international mediation.¹² The authors hope to narrow that gap with this book.

In order to bring together theory and practice, Svensson and Wallensteen use the real world experiences of Jan Eliasson to illustrate mediation theories. All of

⁸ *Id.*

⁹ *Id.* at ix-ix.

¹⁰ *Id.* at iix.

¹¹ SVENSSON & WALLENSTEEN, *supra* note 1, at xi-xii.

¹² *Id.* at xi.

the experiences in the book relate to international mediations. While there are many similarities between all of the chosen examples, each of them is unique in its own way. Mediation efforts vary depending on a wide array of factors, including the nature of the parties involved, who initiated the mediation and how it is being conducted.¹³ These all play an important role in the success or failure of mediation.

III. ONE MEDIATOR, SIX EXPERIENCES

According to Svannson and Wallensteen, international mediations can be full of surprises. To illustrate this point, the chapter starts off with an anecdote about Mr. Eliasson's trip to Iraq in 1989 to discuss UN Security Council Resolution 598.¹⁴ He was there as the personal representative of the UN Secretary-General in hopes of resolving the ongoing conflict between Iraq and Iran. Mr. Eliasson, accompanied by a small delegation, was greatly outnumbered by Saddam Hussein and his cadre of generals. A series of poor translations created a tense situation. Saddam angrily demanded that Mr. Eliasson and his entourage follow him immediately. Wary of what to expect, Mr. Eliasson obliged the general to prevent further incident. Instead of leading Eliasson to an underground torture facility, Saddam took the delegation to a room with a map of the Middle East. He proceeded to explain to Eliasson the dangers of giving up territory to Iran and how this loss would leave his country vulnerable to further attack.¹⁵ Instead of allowing a poor translation to ruin negotiations, Mr. Eliasson successfully turned it into an opportunity to learn about a party's needs, desires and fears.

This anecdote was used to illustrate the sensitivity and complexity of international mediations. One poor translation or cultural faux-pas can derail the process. It is important for an international mediator to understand this sensitivity

¹³ *Id.* at xii.

¹⁴ *Id.* at 1.

¹⁵ *Id.* at 1-2.

and account for it. Being able to think on your feet, read situations and remain calm are crucial to successful mediations.¹⁶

Research has shown mediation to be highly successful in resolving, avoiding or ending armed conflicts. Initiating communication between parties has been proven vital to conflict resolution. As mediation becomes more mainstream, there are ever increasing amounts of data on the subject, which has proved helpful in assessing the effectiveness of different strategies and styles.¹⁷

All mediators have their own unique style. This style affects everything, including the way they treat the parties, the way they define their mandates and how they prioritize the issues in a given situation. Svensson and Wallensteen chose to focus on what they believe to be the four key style dimensions to any mediation: scope, method, mode, and focus.¹⁸ They frame much of their analysis and discussion in these terms.

The authors focus on six separate diplomatic missions of Jan Eliasson. The first two were separate efforts to resolve an interstate, armed conflict between Iran and Iraq. On the first mission, occurring from 1980-1982, Mr. Eliasson served as the personal advisor to the former Swedish Prime Minister, Olof Palme. This mission was tasked with eliciting short term, good-will agreements as well as a long-term settlement.¹⁹

Following the untimely death of Olof Palme, Eliasson returned to the Middle East from 1988-1991. During this time Eliasson was the Swedish ambassador to the UN. Eliasson was specially selected by the UN Secretary-General to represent him personally. This trip largely involved shuttle diplomacy between Baghdad and Tehran. The UN was hoping to convince both parties to

¹⁶ SVENSSON & WALLENSTEEN, *supra* note 1, at 2.

¹⁷ *Id.* at 2-3.

¹⁸ *Id.* at 4.

¹⁹ *Id.* at 4-5.

embrace UN Resolution 598, which called for direct talks between the two countries.²⁰

In addition to interstate, armed conflict mediations, there are two humanitarian mediations discussed in the book. The first mediation involved two Asian countries: Burma/Myanmar and Bangladesh. After a period of political upheaval in Burma/Myanmar, the new government expelled a large ethnic population of Rohingyas from the northern part of their country. This wave of refugees placed a significant burden on the Bangladeshi government and heightened tensions between the two countries. Jan Eliasson was sent in to defuse the conflict.²¹

Probably the highest profile mediation that Mr. Eliasson took part in were his efforts to end the conflict in Darfur. He actually participated in two rounds of mediation in Sudan. The first occurred in 1992 and the second occurred from 2007-2008.²² Fighting between government and rebel forces created a humanitarian crisis for the civilian population. Not only were civilians being caught in the cross fire, but a large portion of the population was on the brink of starvation. Eliasson had the dual task of attempting to end the fighting, as well as ensuring that international aid groups would be able to deliver food and medical supplies.²³

While working with the Organization for Security and Co-operation in Europe, Eliasson served as a mediator for an intrastate conflict in Azerbaijan. After the collapse of the Soviet Union, there was ethnic unrest in many areas. Ethnic Armenians wanted independence from the national government, but the government was unwilling to compromise its territorial integrity.²⁴ Armed conflict was the result. The conflict created instability in the region and intensified relations between Azerbaijan and neighboring Armenia. Eliasson was sent with the

²⁰ *Id.* at 5.

²¹ SVENSSON & WALLENSTEEN, *supra* note 1, at 5.

²² *Id.* at 5-6.

²³ *Id.* at 5.

²⁴ *Id.* at 6.

hope that he would be able to mediate an end to the conflict. It was important to ensure that the conflict did not erupt into an interstate conflict.²⁵

The aforementioned mediations were chosen by the authors for their variety. No two are the same, and they all present different challenges to a mediator.²⁶ Throughout the book the authors use excerpts from interviews with Mr. Eliasson and also his personal diary entries. These provide professional and personal insight into complex mediation issues.²⁷ Outcomes are not as important to the authors as the process. While successful mediations are always rewarding, sometimes more can be learned from failures. Using the same mediator provides a form of control in their analysis.²⁸

IV. HOW MEDIATORS MEDIATE: STYLES OF MEDIATION

In the international context, most mediations are initiated through mandates, which can come from a variety of sources. The source of the mandate is crucial to the success and perception of the mission.²⁹ Parties to a conflict can be skeptical of outside intervention, which can raise questions of motivation and hidden agendas. If the mandate comes from a well-respected organization with respectable intentions, parties tend to be much more accepting of assistance.³⁰

Mandates guide the mediator in his mission. While mandates are all different, they can provide the mediator with his authority and a general template of how to carry out the mediation.³¹ They can come from international organizations, such as the UN, or can be provided by the parties themselves. External mandates are generally more public in nature, while internal mandates are

²⁵ *Id.*

²⁶ SVENSSON & WALLENSTEEN, *supra* note 1, at 7.

²⁷ *Id.* at 8.

²⁸ *Id.* at 9.

²⁹ *Id.* at 12.

³⁰ *Id.*

³¹ SVENSSON & WALLENSTEEN, *supra* note 1, at 13.

much more secretive. Parties that request mediation on their own generally want to keep the proceeding under wraps to avoid a perception of weakness.³² It is important to note that mandates are not always required to initiate mediation. Unofficial third party intervention has been effective and does not require a mandate. Organizations such as the Carter Center and the Conflict Management Initiative are examples of well-respected third party mediators.³³

There are two main types of international mediation: political and humanitarian. Political mediation can take a variety of forms. Parties can use political mediation to end armed conflict, to maintain territorial sovereignty, or to implement a resolution of some sort.³⁴ Humanitarian conflicts are generally less contentious. These are usually initiated by organizations on the ground where the crisis is taking place, and less so by other countries.³⁵

The scope of a mediation is an important strategic consideration. Deciding which parties to include or exclude from a mediation can play a large role in its success or failure. Neither option is mutually exclusive. Svensson and Wallensteen provide some examples of cases in which parties began with an exclusive scope and gradually broadened it to incorporate outsiders once trust had been established.³⁶ Sometimes when negotiations stall, it is helpful to bring international or regional powers into the fold. This can serve as a catalyst to further negotiation.³⁷

Method of mediation is generally a stylistic choice of the mediator. Some mediators choose a more aggressive approach.³⁸ This includes the use of deadlines and even the threat of withdrawal if the parties do not show progress. “Real deadlines” can be problematic, however. Sometimes these deadlines motivate

³² *Id.* at 13-4.

³³ *Id.* at 14.

³⁴ *Id.* at 15.

³⁵ *Id.*

³⁶ SVENSSON & WALLENSTEEN, *supra* note 1, at 16-17.

³⁷ *Id.* at 16.

³⁸ *Id.* at 17.

parties to resolve their issues, but the deadlines can also lead to weak agreements that are ineffective long term.³⁹

Other mediators choose to foster communication and allow parties to work on their own schedule. President Carter used this method while mediating a dispute between Sudan and Uganda. He would meet with each party independently, presenting them with a comprehensive document that addressed all the contentious issues. Using the single document approach, he would allow the parties to modify the agreement and then take those changes to the opposing party. By not pressuring the parties, he actually led them to a comprehensive agreement ahead of schedule.⁴⁰ Unfortunately, a fostering comprehensive approach is not always effective. It is important for a mediator to set realistic goals at the outset of the mediation. Sometimes small concessions and trust building agreements are all that is really required.⁴¹

Mode of a mediation is not only a factual determination, but also a stylistic consideration. It is not uncommon for go-between mediators to avoid the media entirely. Building trust can be difficult when the parties fear that their communications may be leaked to the media.⁴² Alternatively, there are some benefits to using the media. Press releases and press conferences can be an effective way of quashing rumors and avoiding misinformation. As media becomes more prevalent in modern society, a mediator must recognize both the good role and the bad role that media can play.⁴³

When deciding what issues to address in a mediation, it is possible to define them narrowly or broadly. Ideally a mediator will be able to establish an all-encompassing peace agreement that the parties can agree on. Reality does not

³⁹ *Id.* at 18.

⁴⁰ *Id.* at 18.

⁴¹ SVENSSON & WALLENSTEEN, *supra* note 1, at 18

⁴² *Id.* at 19.

⁴³ *Id.* at 20.

always make that possible.⁴⁴ Some of the most difficult issues to resolve at the negotiation table are matters of justice and assignment of blame. Parties are reluctant to admit fault in most situations. This admission could lead to monetary or even criminal responsibility later on for human rights violations or damages incurred during the war.⁴⁵ Generally, responsibility for aggression is placed on the losing party by the winning party after an armed conflict. Two examples are the Treaty of Versailles after World War I, placing the blame on Germany, and the peace treaty signed with Japan after World War II.⁴⁶

Mediators generally make a value judgment on whether or not to include fault or human rights provisions in their negotiations. Sometimes it is more important to bring an end to the fighting than it is to assign blame. While mediators should rely on principles elicited from international law, the mediator has a choice to decide which principles are most important to achieve a result.⁴⁷

V. GOING IN: THE DIPLOMACY OF ENTRY

Entering into an international mediation can be problematic. Not all parties want outside intervention. Even parties who request a mediator may not be able to agree on the terms of how the mediation will be handled. The circumstances under which mediation is entered into can be a determining factor of whether or not the mediation will be effective.⁴⁸

In the aforementioned case involving Burma/Myanmar and Bangladesh, the mediation was actually requested by the two countries. The Bangladeshi government requested assistance to deal with the 250,000 refugees who fled into their country. Tensions between the two neighbors were increasing and needed to be defused. Both parties were willing to work together towards a solution, but

⁴⁴ *Id.*

⁴⁵ *Id.* at 21-22.

⁴⁶ SVENSSON & WALLENSTEEN, *supra* note 1, at 22.

⁴⁷ *Id.* at 23.

⁴⁸ *Id.* at 25.

needed an intermediary to ensure that a deal was made. This need is the reason Jan Eliasson came in. He was able to broker a deal between the two parties that diffused the situation.⁴⁹

On Eliasson's first trip to Sudan, he was actually requested by an aid group that was working in the country. Fighting had disrupted aid distributions, and many civilians were in danger of starvation. By appealing to the United Nations, the aid group was able to acquire Mr. Eliasson's services. Since the request was made by an aid group through the United Nations, and the mission was humanitarian in nature, Eliasson was well received by the parties involved.⁵⁰

Gaining entry into the Iraq-Iran conflict was far more difficult. When the neighbors went to war, the United Nations determined early on that they needed to step in and take measures to end the conflict. What became known as the Palme Mission, after Olof Palme, the head representative, was originally mandated by the UN Security Council. Iran was not receptive to this mandate.⁵¹ The Iranians believed that the Security Council was biased towards Iraq and would not recognize Iran's will. As a way to skirt this issue, the Secretary-General ended up issuing his own mandate to initiate mediation proceedings. Even though the wording of the Secretary-General's mandate was practically verbatim to that of the Security-Council, Iran was willing to accept it.⁵² This is a prime example of how important mandates and the form of entry into mediation truly are.

Entry into the Azerbaijan conflict also affected the outcome of the mediation. At the time Mr. Eliasson was working for the Organization for Security and Co-operation in Europe (OSCE). The organization was not well respected, but wanted to establish a positive reputation. In an effort to enter the fray, the OSCE organized a committee to mediate the dispute and set up a conference to gather the parties. Unfortunately, the conference never happened and Eliasson played a

⁴⁹ *Id.* at 26.

⁵⁰ *Id.* at 27.

⁵¹ SVENSSON & WALLENSTEEN, *supra* note 1, at 27-28.

⁵² *Id.* at 28.

minimal role in the resolution of the conflict.⁵³ Weak organizations providing weak mandates are a recipe for failure.

Eliasson's second mission to Darfur was a particularly interesting one. Fighting resumed in 2003 between the Sudanese government and rebel groups. It took over three years and a staggering number of civilian deaths for the international community to take notice.⁵⁴ Eventually a collective effort between the United Nations, the African Union and a number of other African countries moved into action. They established a mandate that built on previous mediation efforts conducted by the African Union. With such a wide base of support, including international and regional powers, the conflicting parties agreed to the mediation.⁵⁵

Parties can be motivated to request mediation for a variety of reasons. Svensson and Wallensteen believe that three motivations predominate. One reason is that the cost of continuing the conflict is too high. Whether the costs are monetary or humanitarian, at some point parties decide that it is better to end the conflict than carry it on indefinitely.⁵⁶ Another reason that parties will request assistance from third parties is the primary parties' inability to handle the conflict on their own. This is especially prevalent in intrastate conflicts. When the government or rebel faction feels threatened they may request aid to maintain the status quo.⁵⁷

Lastly, both parties need a third party that they can trust. Obviously conflicting parties may have a difficult time trusting one another, especially in an armed conflict. If there is a desire to end the conflict, the insertion of a trustworthy third party in between the primary parties can be more effective. Trust can lead to open and honest communications, which tend to lead to resolution.⁵⁸ One of the

⁵³ *Id.* at 28-29.

⁵⁴ *Id.* at 29.

⁵⁵ *Id.* at 29.

⁵⁶ SVENSSON & WALLENSTEEN, *supra* note 1, at 30-31.

⁵⁷ *Id.* at 31.

⁵⁸ *Id.*

main reasons that mediation efforts between Iraq and Iran failed was that Iran did not trust the UN. This lack of trust undermined the whole process.⁵⁹

Offering mediation assistance also depends on a variety of factors. International organizations or outside parties may not feel inclined to interfere if their interests are not in danger. The authors identify three factors. First, there has to be interest on behalf of the mediator and the mediator's organization to become involved. Mediators may be interested in certain conflicts because they see these conflicts as a way to build their reputation. They may also avoid conflicts that they feel will ultimately end in failure. Organizations also have their own agendas. As mentioned earlier OSCE became involved in the Azerbaijan conflict to increase its status as a legitimate organization. These considerations play an important role in the initial offer of assistance.⁶⁰

Another important factor is the cost of the conflict. The higher the human, political and economic costs of a conflict, the more likely outsiders will become involved. Darfur provides the perfect example of how high conflict costs forced international action.⁶¹ After a wave of reports on the human suffering occurring in the region, strong public reaction forced the hands of many world powers. Even though the conflict in Darfur had been raging for years, it was not until the costs became unacceptable to the international community that that community finally stepped in.⁶²

Likelihood of success is the final consideration that outsiders will assess before offering mediation. The dynamics of a conflict may be too complex for a favorable outcome to be reached. If a mediator feels that his efforts may be successful, he is more likely to step in. A lot of these determinations depend on

⁵⁹ *Id.*

⁶⁰ *Id.* at 33.

⁶¹ SVENSSON & WALLENSTEEN, *supra* note 1, at 33

⁶² *Id.* at 33-34.

the nature and timing of the conflict. Availability of resources to carry out the mediation can also affect the likelihood of success.⁶³

VI. GOING ABOUT: THE DIAGNOSTICS OF DIPLOMACY

Initial assessments by mediators are a vital aspect of any mediation. These can be developed through meeting with all parties, pre-negotiations and an internal analysis based on the accumulated facts.⁶⁴ Timing of these early stages is important. Mediators would like to begin the process when there is some momentum towards a resolution.

Primary parties must be ready for mediation in order for radiation to be successful. Both government and non-government actors must show a willingness to communicate. Generally, the party with the upper hand in the conflict is the least likely to mediate. Governments tend to be interested in mediation when their territorial integrity or power is threatened.⁶⁵ Non-government parties, such as rebel groups, can be much harder to understand. These groups tend to be disorganized and lack a rigid command structure. Finding the appropriate leaders to represent their party's position has proven to be difficult.⁶⁶

Regional powers must also be interested in resolving the conflict in question. Neighboring countries rely on each other for economic and political support. When a conflict creates instability and threatens a neighbor's interests, regional powers are much more likely to become involved.⁶⁷ Russia played a major role in resolving the conflict in Azerbaijan by leaning heavily on the Azeri government. Saudi Arabia also supported mediation efforts between Iran and Iraq because of the Saudis feared that the spread of conflict may lead to unrest between

⁶³ *Id.* at 34.

⁶⁴ *Id.* at 37.

⁶⁵ *Id.* at 38-39.

⁶⁶ SVENSSON & WALLENSTEEN, *supra* note 1, at 39-40.

⁶⁷ *Id.* at 40.

Sunnis and Shias.⁶⁸ Despite being motivated by self-interest in most cases, regional actors are effective proponents of mediation, especially if they are powerful.

The international community also needs to be ready for intervention to increase the chances of success. Mandates from the UN Security Council and the Secretary-General hold a lot of weight in much of the world. They provided the mandates for a majority of the cases that Eliasson worked on. While some countries, such as Iran, view the UN's intervention with skepticism, the mandate is usually enough for a mediator to establish a beginning.⁶⁹ Unfortunately the international community is not always on the same page. On more than one occasion Western powers have been at odds with Russia and China over an appropriate course of action. In the end, readiness of the primary parties, regional powers and international organizations is ideal when initiating mediation.⁷⁰ This is much easier said than done.

Once a mediation has begun, a mediator's next step is to identify the issues to be discussed. The mediator must break down general terms into concrete positions. Once concrete positions have been established, those positions must be clarified so that both parties understand what the other is looking for.⁷¹ Defining the underlying issues of the conflict can be difficult. Both parties have conflicting goals and views of the dispute. Much of the information is gathered in one-on-one meetings with the opposing sides.⁷²

Darfur presented a uniquely difficult situation for Eliasson. While the government had an established leader and power structure, the rebels were a fractured group. Trying to find a unified voice was fruitless. The best Eliasson could do was assemble a conglomeration of the different group's leaders. He spent a great deal of time speaking with the leaders to try to establish a coherent

⁶⁸ *Id.* at 41.

⁶⁹ *Id.* at 42.

⁷⁰ *Id.* at 42-43.

⁷¹ SVENSSON & WALLENSTEEN, *supra* note 1, at 43.

⁷² *Id.* at 44.

platform. Instead of focusing on broad goals, he focused on the issues. By using the issue-based approach, he was able to unite a fractious group. While the parties could not agree on the ultimate strategy, they were able to agree on a number of contentious issues that needed to be addressed.⁷³

Identifying actors in a conflict is an important step in mediation. Including or excluding certain parties can help steer negotiations. Darfur proved to be an example of a failed inclusion strategy. Eliasson and his team thought it would be beneficial to include all of the rebel groups in the mediation process. Unfortunately, most of the rebel groups did not get along with one another. While they could agree on issues, many important parties did not attend the mediation because they could not work together. Choosing to include the wrong parties greatly hindered the negotiations and played a role in their eventual failure.⁷⁴

Entry into a mediation can also be a stimulus for parties to resolve their dispute. When a well-respected mediator enters the scene, parties are generally encouraged that a resolution is in sight.⁷⁵ The window of opportunity to use entry to the mediator's advantage is a small one. Proper calculations must be made on behalf of the mediator as to the timing of the intervention. He must approach the entry in a manner that both parties respect.⁷⁶

VII. GOING ON: THE INSTRUMENTS OF MEDIATION

For any mediation to be successful, the mediator must build confidence between the parties. A healthy and constructive climate is crucial. Eliasson believes that the parties need to be comfortable in order to allow for an open and honest discourse.⁷⁷ Part of establishing comfort is through cultural sensitivity. While the parties do not necessarily have to be of the same race or ethnic

⁷³ *Id.* at 44-46.

⁷⁴ *Id.* at 46-47.

⁷⁵ *Id.* at 48.

⁷⁶ SVENSSON & WALLENSTEEN, *supra* note 1, at 49.

⁷⁷ *Id.* at 53.

background, understanding and respecting cultural boundaries is important for a mediator. This behavior will help the mediator build rapport with both parties.⁷⁸

A sense of humor and an informal setting can also be beneficial in mediations. These factors can help build trust and comfort between the parties. Inviting the parties to an informal breakfast or lunch can give the mediator an opportunity to put the client at ease and gather information. Informality can, however, backfire if the mediator is not careful. Some parties view informality as a sign of weakness and an informal process could undermine their faith in the process.⁷⁹

Establishing principles early can help a mediator gain acceptance by the parties. These principles can arise from any number of sources, including the mandate or international law.⁸⁰ Principles provide the foundation for the mediation. Oddly enough, in humanitarian situations, legal principles play a minimal role. A mediator must rely on his credibility or that of his organization.⁸¹

There are two main approaches that the authors propose for formulating proposals to resolve conflicts. One is a comprehensive approach and the other is step-by-step. When a mediator attempts to use the comprehensive approach, he tries to resolve the dispute and all related issues completely at the same time. This process can be undermined by distrust and hostility between the parties.⁸² A step-by-step approach focuses on agreeing to small, trust building compromises initially and then building from there. Building from procedural compromises can foster confidence between the parties.⁸³ Hopefully this confidence will lead to compromise on substantive issues.

⁷⁸ *Id.* at 54.

⁷⁹ *Id.* at 55.

⁸⁰ *Id.* at 56-57.

⁸¹ SVENSSON & WALLENSTEEN, *supra* note 1, at 58.

⁸² *Id.* at 58-59.

⁸³ *Id.* at 59.

The media can be an important tool in any mediator's arsenal. Using the media effectively can show that the mediator is up to date with recent developments and understands the parties' positions. Controlled leaks can even affect the priority of agenda items.⁸⁴ Media coverage of a mediation is also important because it puts pressure on the parties. When the outside world is following every move the parties make, this attention raises expectations.⁸⁵ Some parties will be hesitant to walk away without agreement for fear of public backlash.

Addressing issues of justice is a difficult task for any mediator. Those issues are a sensitive topic that can derail a mediation if not handled properly.⁸⁶ Justice encompasses a wide range of issues including fault, reparations, public perception and even criminal implications. Sometimes it is best for a mediator to avoid the issue of justice entirely. Especially in armed conflicts, ending the fighting is more important than assigning blame for who started it.⁸⁷ Eliasson recommends that a mediator be open and honest about his perceptions of the conflict. The mediator is supposed to be the "moral authority" in the room.⁸⁸ Being honest will help build trust, but the mediator must also retain impartiality.

Keeping the parties at the table can sometimes be as difficult as getting them there in the first place. Svensson and Wallensteen propose a few methods that they have seen succeed. Momentum is crucial. If parties see progress in the mediation, they are more likely to stay at the table. Stalemates lead to excuses for exit.⁸⁹ It is also important for a mediator to assess the credibility of threats to withdraw. Eliasson has gone as far as posting sources at local airports to gather information on outgoing flights. When a party threatened to withdraw but did not have a plane ready to leave, Eliasson was able to call their bluff and push through

⁸⁴ *Id.* at 62.

⁸⁵ *Id.*

⁸⁶ SVENSSON & WALLENSTEEN, *supra* note 1, at 64.

⁸⁷ *Id.* at 65.

⁸⁸ *Id.* at 67.

⁸⁹ *Id.* at 67.

the negotiations.⁹⁰ Lastly, a mediator can highlight the value of the mediation. Effectively conveying the importance of an agreement to the two parties can be enough to keep them at the table.⁹¹ This is where the media can be effective tool.

Reframing issues is also an important skill of any mediator. Being able to describe issues in a variety of different ways can be an effective way to move negotiations along. Different words have different effects on parties. The words can mean the difference between a successful negotiation and the breakdown of talks. Having a strong vocabulary and a good translator are tools all international mediators should have.⁹²

VIII. GOING TOGETHER: THE CONTEXT OF MEDIATION

In the world of international mediation there can be multiple dispute resolution efforts operating simultaneously in a single conflict. All of these efforts rarely work cooperatively.⁹³ Being aware of the other operations and their mandates can help a mediator understand the complexities of the conflict and develop his strategy accordingly. Ideally a mediation will have the support of all parties involved; internationally, regionally and locally. Having the UN involved is one method.⁹⁴ Eliasson has also been known to meet with regional actors face-to-face. By keeping the actors informed they are generally more receptive to the process and are less likely to interfere.⁹⁵

Becoming the leading international mediation effort is important to success. This will lend more credibility to the mediator and his/her organization. Forging international support is one way to achieve this goal. Coordination is

⁹⁰ *Id.* at 68.

⁹¹ SVENSSON & WALLENSTEEN, *supra* note 1, at 68.

⁹² *Id.* at 68-69.

⁹³ *Id.* at 73.

⁹⁴ *Id.* at 75.

⁹⁵ *Id.* at 76-77.

another. Building a united front can give the mediators leverage and allows them to pool their resources, which are important to any mediation.⁹⁶ Having a strong mandate from a respected organization that is not afraid to assert itself is important to take the leading role in any mediation.

The international community can be used in a variety of ways to assist a mediation. They can incentivize the parties to end the dispute through monetary or other means.⁹⁷ While Eliasson does not believe in using threats to motivate parties, he is receptive to the idea of using the international community as “drums in the distance.”⁹⁸ Potential sanctions, reduced aid or even military intervention can motivate parties to work together. International mandates can even provide the go-between leverage over the parties. If one of the parties has other interests at stake outside of a given mediation, international organizations have been known to leverage assistance for cooperation in the mediation.⁹⁹

As mentioned earlier, an international mediator can use the media to his advantage. Especially in matters of public interest, bringing attention to the mediation can encourage parties to cooperate. Oddly, this attention is usually an ineffective method of bringing the international community together.¹⁰⁰ Using international principles is also necessary to legitimizing a mediator. Credibility for the mediation will be undermined if the parties and international community do not believe a mediation is guided by commonly accepted principles.¹⁰¹

There are three main forms of international mediation that the author’s espouse. One is the international conference. This format allows the parties’ delegations to officially meet at the negotiation table.¹⁰² International conferences provide the parties with an opportunity to enumerate their positions and also

⁹⁶ SVENSSON & WALLENSTEEN, *supra* note 1, at 77.

⁹⁷ *Id.* at 79.

⁹⁸ *Id.* at 80.

⁹⁹ *Id.* at 80-81.

¹⁰⁰ *Id.* at 82-83.

¹⁰¹ SVENSSON & WALLENSTEEN, *supra* note 1, at 83.

¹⁰² *Id.* at 84.

provide the mediator with an opportunity to meet with the parties one-on-one, essentially in a caucus.¹⁰³ While international conferences can be highly effective to clarify positions, these conferences are difficult to organize and rarely result in a resolution. In Eliasson's experience, few lasting resolutions have been made at this type of conference.¹⁰⁴

Two formats that have been more effective for Eliasson are shuttle diplomacy and direct communication between the parties.¹⁰⁵ Opening lines of direct communication outside of the negotiating table can be difficult, but effective. Mr. Eliasson prefers to mediate with parties at the same location, but shuttle diplomacy is a popular method among other international mediators. Direct access to the major players in a dispute is necessary. Showing a willingness to physically step into a conflict zone, or the home territory of a party can help build trust and confidence in the mediator and the process itself.¹⁰⁶

Inserting international mediation into a conflict is not always a guaranteed technique. Some conflicts have international, regional or local players that will undermine the process. This meddling can render the entire process ineffective. One example used by the authors is that of Russia in Azerbaijan.¹⁰⁷ Mr. Eliasson was working for a regional organization that lacked respect and real power, OSCE. Since Azerbaijan shared a border with Russia and was a former Soviet republic, the former super power took a leading interest in resolving the conflict. Despite efforts by Eliasson to incorporate the Russians into his process, the Russians actively worked against him. Instead of relying on the mediation process, Russia used the looming threat of military intervention to lean on the Azeri government.¹⁰⁸ They had the power and resources that Eliasson's organization lacked. Operating

¹⁰³ *Id.* at 85.

¹⁰⁴ *Id.* at 86.

¹⁰⁵ *Id.* at 84-85.

¹⁰⁶ SVENSSON & WALLENSTEEN, *supra* note 1, at 86.

¹⁰⁷ *Id.* at 86-87.

¹⁰⁸ *Id.* at 88-89.

in the shadow of an uncooperative major regional/international power can complicate a mediator's efforts significantly.¹⁰⁹

IX. GOING OUT: THE DIPLOMACY OF EXIT

Exiting an international mediation can be as difficult as entering one. While Eliasson does not support the concept, a mediator can threaten withdrawal. Threats present a number of problems. If the threats are not serious, the mediator's trust, credibility and momentum will all be undermined if the parties call the mediator's bluff. When that happens to a mediator, he becomes entirely ineffective. Sometimes a threat to withdraw is the trigger one party needed to break off negotiations.¹¹⁰

Timing the exit from a mediation is important. There are some signs that can indicate to a mediator it is time to end his efforts. Obviously, an agreement is one indicator.¹¹¹ Another indicator is a lack of political will on behalf of the parties. If the parties lose interest in a political solution, the likelihood of coming to an agreement is minimal.¹¹²

Just because one mediator terminates his or her efforts does not mean that conflict resolution efforts will end entirely. Finding a successor should be a top priority of the mediator and his organization. While the mediator cannot force anyone to continue his efforts, his advice can be crucial.¹¹³ Approaching entities such as the UN or international political/aid organizations is one option. The nature of the dispute will determine who should succeed the mediator.¹¹⁴

¹⁰⁹ *Id.* at 89-90.

¹¹⁰ *Id.* at 95-97.

¹¹¹ SVENSSON & WALLENSTEEN, *supra* note 1, at 97.

¹¹² *Id.* at 98-99.

¹¹³ *Id.* at 100.

¹¹⁴ *Id.* at 100-01.

X. GOING AHEAD: LESSONS FOR MEDIATION THEORY AND PRACTICE

Much of the final chapter is a summary of conclusions and analyses already covered in the previous chapters. There are some interesting conclusions that the authors have drawn that are worth noting. Svensson and Wallensteen encourage ideas that evaluate the success of mediations to expand their horizons. Mediation results should not be judged only on the merits of their final agreements. Initiating discourse or helping parties understand each other can be just as important as a comprehensive peace agreement. Mediation results are too nuanced to be evaluated in rigid terms.¹¹⁵

Resources are vital to any mediation. In order for a mediation to be successful, a mediator must be provided with enough resources to adequately carry out the proceeding. These resources include not only monetary resources, but also political, administrative, academic and human. One way to ensure there are adequate resources is cooperation.¹¹⁶ When the international community can cooperate and pool their resources, there is a much greater chance of success.

To end the substantive portion of the book, the authors draw a series of general conclusions that they believe can improve the practice and study of mediation. The first conclusion is that learning should be an integral part of the mediation process. Mediators should always be evaluating and learning from their experiences and those of other mediators. Working as a team can provide mediators with an opportunity to learn new skills and allow the use of complementary skill sets to improve the quality of the mediation.¹¹⁷

Mandates are a vital part of the mediation process. They provide the foundation for the entire process. Considering their importance, mediators and

¹¹⁵ *Id.* at 111.

¹¹⁶ SVENSSON & WALLENSTEEN, *supra* note 1, at 111-13.

¹¹⁷ *Id.* at 128-29.

their organizations should take care in crafting them. A carefully crafted mandate can provide the mediator with a great deal of power and leverage.¹¹⁸

Style is an important consideration for any mediator. A mediator should be aware of scope, method, mode and focus at all times, even during the creation of the mandate. Understanding the different styles will provide a mediator with a greater array of tools to use. It is also important to note that style is fluid. Just because the mediator employs one style initially does not mean that style has to be used throughout. If something is not working, the mediator must assess the situation and adjust accordingly.¹¹⁹

Assessing the humanitarian nature of a conflict can also assist a mediator in coming to a resolution. Generally humanitarian matters are much less contentious than political ones. Agreement on humanitarian issues can build a foundation for future negotiations. Momentum from the humanitarian mediation could be parlayed into the political mediation.¹²⁰

Initiating direct dialogue should be the goal for all mediators. Once direct dialogue is initiated, the mediator should work to sustain this dialogue for as long as possible. Direct negotiations have traditionally been the most successful.¹²¹

Svensson and Wallensteen strongly believe that greater institutional support for international mediation is needed. There are not enough organizations that promote the process. A majority of current mediations occur on a piece meal basis, dependent on the resources and will of the parties. If there was a permanent office from which mediations could operate, cohesion and effectiveness could be improved dramatically. This would also provide mediators with a direct line to the media. This access would allow mediators to manage information more effectively.¹²²

¹¹⁸ *Id.* at 129-30.

¹¹⁹ *Id.* at 130-31.

¹²⁰ *Id.* at 131-32.

¹²¹ SVENSSON & WALLENSTEEN, *supra* note 1, at 132.

¹²² *Id.* at 132-33.

As mediation becomes more prevalent in conflict resolution, mediators must always be concerned with whom to include and exclude. Conflicts have become increasingly complex since the end of the Cold War. There are fewer united fronts and more conflicts involving multiple parties. It is important to address the issue at the outset of the mediation through the mandate. Choosing the correct parties to include will further the chances of success.¹²³

The authors agree that mediators should also be aware of any parallel mediation or negotiation processes. Awareness may allow the mediator to integrate their efforts, and could also provide insight to a party's strategy or position. Understanding other parallel efforts can ensure that both groups work together and avoid conflict.¹²⁴

Not only are mediators dealing with interparty conflicts, but they should also be aware of intraparty conflicts. Especially in political cases, there can be a number of different interests within a single party influencing decision-making. The mediator needs to address these conflicts. This is one area in which the authors would like to see significantly more research.¹²⁵

Lastly, the authors believe that it is important for any mediator or organization to be flexible in regards to outcomes and exits. As mentioned previously, mediation is a complex process with nuances that cannot be easily evaluated. The process itself can be a victory in hostile situations. Agreements are usually ideal, but it is difficult to assess their short and long term value. Most importantly, the mediation process should progress, not frustrate, the situation. If a mediator achieves nothing else, he should at least exit with the status quo intact. Only when a mediator frustrates the resolution process should his efforts be deemed a failure.¹²⁶

¹²³ *Id.* at 133.

¹²⁴ *Id.* at 134.

¹²⁵ *Id.*

¹²⁶ SVENSSON & WALLENSTEEN, *supra* note 1, at 134-35.

The remaining pages of the book are dedicated to providing a chronology of all the disputes discussed in the book. For anyone interested in the process and stages of negotiation, this chronology will provide a wealth of information. This section provides the reader with a greater understanding of the conflicts. It may be beneficial to read this section before the rest of the book. Due to the complex nature of the disputes the authors chose, a comprehensive understanding of those disputes will allow the reader to focus on the styles and strategies Eliasson used.

XI. CONCLUSION

From an academic standpoint, *The Go-Between: Jan Eliasson and the Styles of Mediation* by Svensson and Wallensteen presents a well thought-out, albeit limited look into international mediation. While the book focuses heavily on international political and humanitarian mediation, the principles discussed can apply to any international mediation. Scope, method, mode, and focus are considerations for all mediations. Determining the issues to focus on, the people to involve, what style to use and what format to follow must be done by every mediator for every mediation. These choices can dramatically affect the mediation's chances of success. The format may require the reader to extrapolate some of the examples or theories in order to practically apply them to other areas. Anyone familiar with the field should not have difficulty doing so.

For an academic book, this is actually an interesting read. The authors do a great job of interweaving Eliasson's stories with academic theory. It is well written and the examples they chose present a number of complex issues. These issues are interesting enough to keep you reading and are presented in a way that does not make it feel like you are reading a textbook. Being able to see the theory in action makes the theory easier to grasp.

One particularly useful aspect of the book is the insight from Jan Eliasson. There are a number of quotes from his official reports, personal diaries and

interviews. It becomes clear early on that Eliasson is very good at what he does. He has participated in enough international mediations that even the brief snippets of his knowledge provide the reader with a clearer understanding of the entire process. Even if the rest of the book was poor quality, which it is not, Jan Eliasson's insight would be worth the price of admission.

Considering the breadth and quality of the content, this book should be considered a steal. For less than twenty dollars the reader receives an overview of mediation theories, as well as some interesting stories about their application in the real world. Many other academic books on mediation cost significantly more. While the book's focus on international political and humanitarian mediation appears to limit its practical use, that would be a mistaken assumption. Practitioners familiar with the field will realize that most of the principles being discussed apply to all mediations; especially international mediations. At only 164 pages, the book is a quick read. There are helpful charts and chronologies that assist in understanding some of the more complex matters in the book. Overall Svensson and Wallensteen put together a polished and useful book for practitioners and academics alike. Even people with a passing interest in the topic will find the book interesting and easy enough to read in one sitting. The low cost and high substantive value makes this book a worthwhile addition to any mediation collection.